

House File 659

H-1271

Amend House File 659 as follows:

1. Page 31, after line 2 by inserting:

<DIVISION

HOTEL SANITATION CODE

Sec. _____. Section 137C.6, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. The number of hotel licenses granted or renewed during the year broken down into the following categories:

(1) Hotels containing ~~fifteen~~ thirty guest rooms or less.

(2) Hotels containing more than ~~fifteen~~ thirty but less than ~~thirty-one~~ one hundred one guest rooms.

(3) Hotels containing more than ~~thirty but less than seventy-six~~ one hundred one guest rooms.

~~(4) Hotels containing more than seventy-five but less than one hundred fifty guest rooms.~~

~~(5) Hotels containing one hundred fifty or more guest rooms.~~

Sec. _____. Section 137C.7, Code 2015, is amended to read as follows:

137C.7 License required.

~~No~~ A person shall not open or operate a hotel until the regulatory authority has inspected the hotel and issued a license has been obtained from the regulatory authority and until the hotel has been inspected by the regulatory authority to the person. The regulatory authority shall conduct inspections in accordance with standards adopted by the department by rule pursuant to chapter 17A. Each license shall expire one year from the date of issue. A license is renewable. All licenses issued under the ~~Iowa hotel sanitation code~~ this chapter that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent of the license fee per month if the license is renewed at a later date. A license is not transferable.

Sec. _____. Section 137C.9, subsection 1, Code 2015, is amended to read as follows:

1. Either the department or the municipal corporation shall collect the following annual license fees:

a. For a hotel containing ~~fifteen~~ thirty guest rooms or less, ~~twenty-seven~~ fifty dollars.

b. For a hotel containing more than ~~fifteen~~ thirty but less than ~~thirty-one~~ one hundred one guest rooms, ~~forty dollars and fifty cents~~ one hundred dollars.

c. For a hotel containing more than ~~thirty but less than seventy-six~~ one hundred one guest rooms, ~~fifty-four~~ one hundred fifty dollars.

1 ~~d. For a hotel containing more than seventy-five~~
2 ~~but less than one hundred fifty guest rooms,~~
3 ~~fifty-seven dollars and fifty cents.~~

4 ~~e. For a hotel containing one hundred fifty or more~~
5 ~~guest rooms, one hundred one dollars and twenty-five~~
6 ~~cents.~~

7 Sec. _____. Section 137C.12, Code 2015, is amended to
8 read as follows:

9 **137C.12 Inspection upon complaint.**

10 Upon receipt of a ~~verified~~ complaint ~~signed by a~~
11 ~~guest of a hotel and~~ stating facts indicating the place
12 ~~is~~ premises of a hotel are in an insanitary unsanitary
13 condition, the regulatory authority shall conduct an
14 inspection.

15 **DIVISION _____**

16 **HOME FOOD ESTABLISHMENTS**

17 Sec. _____. Section 10A.104, subsection 12, Code
18 2015, is amended to read as follows:

19 12. Administer inspections and licensing of hotels
20 and home ~~food establishments~~ bakeries.

21 Sec. _____. Section 137D.1, subsections 3 and 4, Code
22 2015, are amended to read as follows:

23 3. ~~"Home food establishment"~~ "Home bakery" means
24 a business on the premises of a residence in which
25 prepared food is created for sale or resale, for
26 consumption off the premises, if the business has gross
27 annual sales of prepared food of less than twenty
28 thousand dollars. However, ~~a home food establishment~~
29 "home bakery" does not include a residence in which
30 food is prepared to be used or sold by churches,
31 fraternal societies, charitable organizations, or civic
32 organizations.

33 4. "Prepared food" means soft pies, bakery
34 products with a custard or cream filling, or ~~any~~
35 ~~other potentially hazardous~~ baked goods that are a
36 time/temperature control for safety food. "Prepared
37 food" ~~does not mean nonhazardous~~ include baked goods
38 that are not a time/temperature control for safety
39 food, including but not limited to breads, fruit pies,
40 cakes, or other ~~nonhazardous~~ pastries that are not a
41 time/temperature control for safety food.

42 Sec. _____. Section 137D.1, Code 2015, is amended by
43 adding the following new subsection:

44 **NEW SUBSECTION. 5. "Time/temperature control**
45 **for safety food"** means a food that requires time and
46 temperature controls for safety to limit pathogenic
47 microorganism growth or toxin formation.

48 Sec. _____. Section 137D.2, Code 2015, is amended to
49 read as follows:

50 **137D.2 Licenses and inspections.**

1 1. A person shall not open or operate a home food
2 ~~establishment bakery~~ until a license has been obtained
3 from the department of inspections and appeals. The
4 department shall collect a fee of ~~thirty-three dollars~~
5 ~~and seventy-five cents~~ fifty dollars for a license.
6 After collection, the fees shall be deposited in the
7 general fund of the state. A license shall expire one
8 year from date of issue. A license is renewable.

9 2. A person shall not sell or distribute from
10 a home food ~~establishment bakery~~ if the home food
11 ~~establishment bakery~~ is unlicensed, the license of the
12 home food ~~establishment bakery~~ is suspended, or the
13 food fails to meet standards adopted for such food by
14 the department.

15 3. An application for a license under this chapter
16 shall be made upon a form furnished by the department
17 and shall contain the items required by it according to
18 rules adopted by the department.

19 4. The department shall regulate, license, and
20 inspect home food ~~establishments~~ bakeries according to
21 standards adopted by rule.

22 5. The department shall provide for the periodic
23 inspection of a home food ~~establishment bakery~~. The
24 inspector may enter the home food ~~establishment bakery~~
25 at any reasonable hour to make the inspection. The
26 department shall inspect only those areas related to
27 preparing food for sale.

28 6. The department shall regulate and inspect food
29 prepared at a home food ~~establishment bakery~~ according
30 to standards adopted by rule. The inspection may
31 occur at any place where the prepared food is created,
32 transported, or stored for sale or resale.

33 Sec. _____. Section 137D.3, Code 2015, is amended to
34 read as follows:

35 **137D.3 Penalty.**

36 A person who violates a provision of this chapter,
37 including a standard adopted by departmental rule,
38 relating to home food ~~establishments~~ bakeries or
39 prepared foods created in a home food ~~establishment~~
40 bakery, is guilty of a simple misdemeanor. Each day
41 that the violation continues constitutes a separate
42 offense.

43 Sec. _____. Section 137D.4, Code 2015, is amended to
44 read as follows:

45 **137D.4 Injunction.**

46 A person operating a home food ~~establishment~~
47 bakery or selling prepared foods created at a home
48 ~~food establishment bakery~~ in violation of a provision
49 of this chapter may be restrained by injunction
50 from further operating that home food ~~establishment~~

1 bakery. If an imminent health hazard exists, the
2 ~~home food establishment~~ bakery must cease operation.
3 Operation shall not be resumed until authorized by the
4 department.

5 Sec. _____. Section 137D.6, Code 2015, is amended to
6 read as follows:

7 **137D.6 Conflicts with state building code.**

8 Provisions of this chapter, including standards
9 for ~~home food establishments~~ bakeries adopted by the
10 department, in conflict with the state building code,
11 as adopted pursuant to section 103A.7, shall not apply
12 where the state building code has been adopted or when
13 the state building code applies throughout the state.

14 Sec. _____. Section 137D.8, subsections 1 and 3, Code
15 2015, are amended to read as follows:

16 1. The person's ~~home food establishment~~ bakery does
17 not conform to a provision of this chapter or a rule
18 adopted pursuant to this chapter.

19 3. The person conducts an activity constituting a
20 criminal offense in the ~~home food establishment~~ bakery
21 and is convicted of a serious misdemeanor or a more
22 serious offense as a result.

23 Sec. _____. Section 137F.1, subsection 7, paragraph
24 d, Code 2015, is amended to read as follows:

25 d. Premises which are a ~~home food establishment~~
26 bakery pursuant to chapter 137D.

27 **DIVISION _____**

28 **FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS**

29 Sec. _____. Section 137F.1, Code 2015, is amended by
30 adding the following new subsections:

31 **NEW SUBSECTION. 4A.** *"Event"* means a significant
32 occurrence or happening sponsored by a civic, business,
33 educational, governmental, community, or veterans
34 organization and may include an athletic contest.

35 **NEW SUBSECTION. 15A.** *"Time/temperature control
36 for safety food"* means a food that requires time and
37 temperature controls for safety to limit pathogenic
38 microorganism growth or toxin formation.

39 Sec. _____. Section 137F.1, subsection 7, unnumbered
40 paragraph 1, Code 2015, is amended to read as follows:

41 *"Food establishment"* means an operation that stores,
42 prepares, packages, serves, vends, or otherwise
43 provides food for human consumption and includes a
44 food service operation in a salvage or distressed food
45 operation, school, summer camp, residential service
46 substance abuse treatment facility, halfway house
47 substance abuse treatment facility, correctional
48 facility operated by the department of corrections, or
49 the state training school, ~~or the Iowa juvenile home.~~
50 *"Food establishment"* does not include the following:

1 Sec. _____. Section 137F.1, subsection 7, paragraphs
2 b, e, and f, Code 2015, are amended to read as follows:
3 b. An establishment that offers only prepackaged
4 foods that are ~~nonpotentially hazardous not~~
5 time/temperature control for safety foods.
6 e. Premises where a person operates a
7 farmers market, if ~~potentially hazardous food is~~
8 time/temperature control for safety foods are not sold
9 or distributed from the premises.
10 f. Premises of a residence in which food that
11 is ~~nonpotentially hazardous not a time/temperature~~
12 control for safety food is sold for consumption off
13 the premises to a consumer customer, if the food is
14 labeled to identify the name and address of the person
15 preparing the food and the common name of the food.
16 Sec. _____. Section 137F.1, subsections 11 and 12,
17 Code 2015, are amended by striking the subsections.
18 Sec. _____. Section 137F.1, subsections 13, 15, 16,
19 and 17, Code 2015, are amended to read as follows:
20 13. "*Pushcart*" means a non-self-propelled vehicle
21 food establishment limited to serving ~~nonpotentially~~
22 ~~hazardous foods~~ foods that are not time/temperature
23 control for safety foods or commissary-wrapped foods
24 maintained at proper temperatures, or limited to the
25 preparation and serving of frankfurters.
26 15. "*Temporary food establishment*" means a food
27 establishment that operates for a period of no more
28 than fourteen consecutive days in conjunction with a
29 single event ~~or celebration.~~
30 16. "*Vending machine*" means a ~~food establishment~~
31 ~~which is a self-service device that, upon insertion~~
32 ~~of a coin, paper currency, token, card, or key, or by~~
33 optional manual operation, dispenses unit servings of
34 food in bulk or in packages without the necessity of
35 replenishing the device between each vending operation.
36 17. "*Vending machine location*" means the ~~physical~~
37 ~~site room, enclosure, space, or area where a one or~~
38 ~~more vending machine is machines are installed and~~
39 ~~operated, including the storage and servicing areas~~
40 ~~on the premises that are used in conjunction with to~~
41 service and maintain the vending machine.
42 Sec. _____. Section 137F.3, subsection 4, Code 2015,
43 is amended to read as follows:
44 4. A municipal corporation that is responsible for
45 enforcing this chapter within its jurisdiction pursuant
46 to an agreement shall ~~make an annual report to the~~
47 ~~director providing the following information:~~
48 a. ~~The total number of licenses granted or renewed~~
49 ~~by the municipal corporation under this chapter during~~
50 ~~the year.~~

~~b. The number of licenses granted or renewed by the municipal corporation under this chapter during the year in each of the following categories:~~

- ~~(1) Food establishments.~~
- ~~(2) Food processing plants.~~
- ~~(3) Mobile food units and pushcarts.~~
- ~~(4) Temporary food establishments.~~
- ~~(5) Vending machines.~~

~~c. The amount of money collected in license fees during the year.~~

~~d. The amount expended to perform the functions required under the agreement, submitted on a form prescribed by the department.~~

~~e. Other information the director requests use the data system prescribed by the director for activities governed by an agreement executed pursuant to this section.~~

Sec. _____. Section 137F.4, Code 2015, is amended to read as follows:

137F.4 License required.

A person shall not operate a food establishment or food processing plant to provide goods or services to the general public, or open a food establishment to the general public, until the appropriate license has been obtained from the regulatory authority. Sale of products at wholesale to outlets not owned by a commissary owner requires a food processing plant license. A license shall expire one year from the date of issue. A license is renewable if application for renewal is made prior to expiration of the license or within sixty days of the expiration date of the license. All licenses issued under this chapter that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent per month of the license fee if the license is renewed at a later date.

Sec. _____. Section 137F.5, Code 2015, is amended to read as follows:

137F.5 Application for license.

1. An application form prescribed by the department for a license under this chapter shall be obtained from the department or from a municipal corporation which is a regulatory authority. A completed application and an application fee of two hundred dollars shall be submitted to the appropriate regulatory authority. However, an application for a license for a farmers market, temporary food establishment for a single event, temporary food establishment for multiple nonconcurrent events, or vending machine is exempt from the application fee requirement under this subsection.

1 2. A person conducting an event shall submit a
2 license application and an application fee of fifty
3 dollars to the appropriate regulatory authority at
4 least sixty days in advance of the event. An "event"
5 for purposes of this subsection does not include a fair
6 as defined in section 174.1 or a farmers market with
7 ten or more temporary food establishments.

8 3. The dominant form of business shall determine
9 the type of license for establishments which engage in
10 operations covered under both the definition of a food
11 establishment and of a food processing plant.

12 4. The regulatory authority where the unit is
13 domiciled shall issue a license for a mobile food unit.

14 ~~An application for renewal of a license shall be~~
15 ~~made at least thirty days before the expiration of the~~
16 ~~existing license.~~

17 Sec. _____. Section 137F.6, subsection 1, Code 2015,
18 is amended to read as follows:

19 1. The regulatory authority shall collect the
20 following annual license fees:

21 a. For a mobile food unit or pushcart, ~~twenty-seven~~
22 ~~two hundred fifty~~ dollars.

23 b. For a temporary food establishment per fixed
24 location for a single event, ~~thirty-three dollars and~~
25 ~~fifty cents~~ fifty dollars.

26 c. For a temporary food establishment for multiple
27 nonconcurrent events during a calendar year, one
28 annual license fee of two hundred dollars for each
29 establishment on a countywide basis.

30 ~~e.~~ d. For a vending machine, ~~twenty~~ fifty dollars
31 for the first machine and ~~five~~ twenty dollars for each
32 additional machine.

33 ~~d.~~ e. For a food establishment which prepares or
34 serves food for individual portion service intended for
35 consumption on-the-premises, the annual license fee
36 shall correspond to the annual gross food and beverage
37 sales of the food establishment, as follows:

38 (1) Annual gross sales of ~~under fifty less than one~~
39 ~~hundred thousand dollars, sixty-seven dollars and fifty~~
40 ~~cents~~ one hundred fifty dollars.

41 (2) Annual gross sales of at least ~~fifty one~~
42 ~~hundred thousand dollars but less than one five hundred~~
43 ~~thousand dollars, one hundred fourteen dollars and~~
44 ~~fifty cents~~ three hundred dollars.

45 (3) Annual gross sales of ~~at least one five hundred~~
46 ~~thousand dollars but less than two hundred fifty~~
47 ~~thousand dollars, two hundred thirty-six dollars and~~
48 ~~twenty-five cents~~ or more, four hundred dollars.

49 (4) ~~Annual gross sales of two hundred fifty~~
50 ~~thousand dollars but less than five hundred thousand~~

1 ~~dollars, two hundred seventy-five dollars.~~

2 ~~(5) Annual gross sales of five hundred thousand~~
3 ~~dollars or more, three hundred three dollars and~~
4 ~~seventy-five cents.~~

5 ~~e. f.~~ For a food establishment which sells food
6 or food products to consumer customers intended for
7 preparation or consumption off-the-premises, the
8 annual license fee shall correspond to the annual gross
9 food and beverage sales of the food establishment, as
10 follows:

11 (1) Annual gross sales of ~~under ten less than two~~
12 ~~hundred fifty thousand dollars, forty dollars and fifty~~
13 ~~cents one hundred fifty dollars.~~

14 (2) Annual gross sales of at least ~~ten~~ two hundred
15 fifty thousand dollars but less than two seven hundred
16 fifty thousand dollars, one hundred one dollars and
17 twenty-five cents three hundred dollars.

18 (3) Annual gross sales of at least ~~two seven~~
19 hundred fifty thousand dollars but less than five
20 hundred thousand dollars, one hundred fifty-five
21 dollars and twenty-five cents or more, four hundred
22 dollars.

23 ~~(4) Annual gross sales of at least five hundred~~
24 ~~thousand dollars but less than seven hundred fifty~~
25 ~~thousand dollars, two hundred two dollars and fifty~~
26 ~~cents.~~

27 ~~(5) Annual gross sales of seven hundred fifty~~
28 ~~thousand dollars or more, three hundred three dollars~~
29 ~~and seventy-five cents.~~

30 ~~f. g.~~ For a food processing plant, the annual
31 license fee shall correspond to the annual gross food
32 and beverage sales of the food processing plant, as
33 follows:

34 (1) Annual gross sales of ~~under fifty less than two~~
35 hundred thousand dollars, sixty-seven dollars and fifty
36 cents one hundred fifty dollars.

37 (2) Annual gross sales of at least ~~fifty two~~
38 hundred thousand dollars but less than two hundred
39 fifty thousand million dollars, one hundred thirty-five
40 dollars three hundred dollars.

41 (3) Annual gross sales of at least ~~two hundred~~
42 fifty thousand million dollars but less than five
43 hundred thousand dollars, two hundred two dollars and
44 fifty cents or more, five hundred dollars.

45 ~~(4) Annual gross sales of five hundred thousand~~
46 ~~dollars or more, three hundred thirty-seven dollars and~~
47 ~~fifty cents.~~

48 ~~g. h.~~ For a farmers market where ~~potentially~~
49 hazardous time/temperature control for safety food is
50 sold or distributed, one annual license fee of one

1 hundred fifty dollars for each vendor on a countywide
2 basis.

3 i. For a school, three hundred dollars for a
4 production kitchen and two hundred dollars for a
5 serving site.

6 j. For a certificate of free sale or sanitation,
7 thirty-five dollars for the first certificate and ten
8 dollars for each additional identical certificate
9 requested at the same time.

10 ~~h. k. For a food establishment covered by both~~
11 ~~paragraphs "d" "e" and "e" "f", the license fees~~
12 ~~assessed shall be an amount not to exceed seventy-five~~
13 ~~percent of the total fees applicable under both~~
14 ~~paragraphs applicant shall pay the licensee fee based~~
15 ~~on the dominant form of business plus one hundred fifty~~
16 ~~dollars.~~

17 Sec. ____. Section 137F.6, subsection 2, Code 2015,
18 is amended by striking the subsection.

19 Sec. ____. Section 137F.10, Code 2015, is amended to
20 read as follows:

21 **137F.10 Regular inspections.**

22 The appropriate regulatory authority shall provide
23 for the inspection of each food establishment and food
24 processing plant in this state in accordance with this
25 chapter and with rules adopted pursuant to this chapter
26 in accordance with chapter 17A. A regulatory authority
27 may enter a food establishment or food processing plant
28 at any reasonable hour to conduct an inspection. The
29 manager or person in charge of the food establishment
30 or food processing plant shall afford free access to
31 every part of the premises and render all aid and
32 assistance necessary to enable the regulatory authority
33 to make a thorough and complete inspection. As part of
34 the inspection process, the regulatory authority shall
35 provide an explanation of the violation or violations
36 cited and provide guidance as to actions for correction
37 and elimination of the violation or violations. The
38 regulatory authority shall document the violations as
39 it deems appropriate. A food establishment or food
40 processing plant being inspected pursuant to this
41 section shall provide the regulatory authority with
42 access to records necessary to determine compliance
43 with this chapter and rules adopted pursuant to this
44 chapter. The regulatory authority may take food
45 or environmental samples as necessary to determine
46 compliance with this chapter and rules adopted pursuant
47 to this chapter.

48 Sec. ____. Section 137F.11, Code 2015, is amended to
49 read as follows:

50 **137F.11 Inspection upon complaint.**

1 Upon receipt of a complaint ~~by a customer of a~~
2 ~~food establishment or food processing plant~~ stating
3 facts indicating the premises are ~~in an unsanitary~~
4 ~~condition~~ of a food establishment or food processing
5 plant are not in compliance with this chapter or the
6 rules adopted pursuant to this chapter, the regulatory
7 authority may conduct an inspection. The regulatory
8 authority shall keep the name of the person making the
9 complaint confidential upon that person's request.
10 Sec. _____. REPEAL. Section 137F.17, Code 2015, is
11 repealed.>
12 2. Title page, line 4, after <atters> by inserting
13 <, and including penalties>

STUTSMAN of Johnson